

REMARKS

Entry of the foregoing and reconsideration of the application identified in caption, as amended, pursuant to and consistent with 37 C.F.R. §1.116 and in light of the remarks which follow, are respectfully requested.

By the above amendments, claim 15 has been amended to recite that the composition comprises from 14% to 35% by weight of the compounds F1, F2 and F3. Support for the "14%" lower endpoint of the range can be found in claim 15, wherein the composition comprises at least 13% by weight of compounds F1 and F2, and the composition comprises from 1 to 10% by weight of compound F3. Entry of the foregoing amendment is appropriate in view of the fact that such amendment is effective to place the application in condition for allowance or in better form for appeal. See M.P.E.P. §714.12.

In the Official Action, claims 15 and 20-32 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite. This rejection is moot in view of the above amendment to claim 15, which now recites that the composition comprises from 14% to 35% by weight of the compounds F1, F2 and F3. Accordingly, for at least this reason, withdrawal of the §112 rejection is respectfully requested.

Claims 15, 20-26 and 30-32 stand rejected under 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 6,255,371 (*Schlosser et al*) in view of U.S. Patent Application Publication No. 2002/0151625 (*Yakabe et al*). Claims 28 and 29 stand rejected under 35 U.S.C. §103(a) as being obvious over *Schlosser et al* and *Yakabe et al*, and in view of Hawley's Condensed Chemical Dictionary (*Lewis*) and U.S. Patent No. 3,865,760 (*Pitts et al*). Claim 27 stands rejected under 35 U.S.C. §103(a) as being obvious over *Schlosser et al* and *Yakabe et al*, and in view of U.S. Patent No.

6,433,045 (*Hanabusa et al*). Withdrawal of the above rejections is respectfully requested for at least the following reasons.

The Patent Office has maintained the above §103(a) rejections for the reasons set forth at sections 12 and 13 of the Final Official Action. Specifically, in section 12 of the Final Official Action, the Examiner has alleged that "The only difference [is] that Schlosser does not disclose that amount of F2." Applicants respectfully disagree. As previously noted, *Schlosser et al* discloses the use of a component B, "condensation products of melamine and/or reaction products of melamine with phosphoric acid and/or reaction products of condensation products of melamine with phosphoric acid and/or...a mixture of these". See col. 2, lines 8-12. *Schlosser et al* discloses a weight percentage of the total component B content. However, *Schlosser et al* fails to have any recognition or suggestion of the specific ranges of components F2 and F3 individually, as presently claimed. Various examples disclosed by *Schlosser et al* employ 20% melamine polyphosphate, **which corresponds to compound F2**. See Table 1. **None of such examples of *Schlosser et al* employ a compound F3 which is a melamine condensation derivative, let alone in the claimed range.**

In section 13 of the Final Official Action, the Examiner has alleged that "it is noted that Inventive A comprises 5 wt % of F3 while the present claims recite an amount of F3 from 5 to 15% of a melamine condensation derivative...." It appears that the Examiner's reference to "Inventive A" was intended to be a reference to "Example 1". In any event, the Examiner's comment that "the present claims recite an amount of F3 from 5 to 15% of a melamine condensation derivative" is incorrect. Claim 15 recites that the composition comprises from 1 to 10% by weight of the compound F3. Thus, the 5% of compound F3 employed in Example 1 is well within the claimed range of 1 to 10%.

The Examiner has also alleged that "the closest prior art of record discloses an amount of F3 melamine condensation derivatives, i.e., melem in the amounts from 2 to 20 wt %." *Schlosser et al*, however, has no such disclosure of "melem in the amounts from 2 to 20 wt %." *Schlosser et al* does disclose a range of "3 to 20%" in connection with component B, but as discussed above, component B refers to a wide range of materials, i.e., "condensation products of melamine and/or reaction products of melamine with phosphoric acid and/or reaction products of condensation products of melamine with phosphoric acid and/or...a mixture of these". **The range of "3 to 20%" disclosed by *Schlosser et al* does not relate specifically to melem.**

In response to the Examiner's comments concerning whether the experimental data is sufficient to show unexpected results over the entire scope of the claims, Applicants respectfully note that while the claims recite various exemplary ranges of compounds F1, F2 and F3, the combined use of compounds F2 and F3 provides surprising and unexpected results. This is apparent upon comparing Example 2, which only employed 1% of compound F3 and quite surprisingly passed the GWIT test, with a comparative example (Example A) which did not employ any compound F3 (but was otherwise comparable) and failed the GWIT test.

For at least the above reasons, Applicants respectfully but strenuously submit that independent claim 15 is non-obvious over the applied art.

The dependent claims are allowable at least by virtue of their direct or indirect dependence from independent claim 15. Thus, a detailed discussion of the additional distinguishing features recited in the dependent claims is not set forth at this time.

From the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order, and such action is earnestly solicited. If there

are any questions concerning this paper or the application in general, the Examiner is invited to telephone the undersigned.


The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.20(d) and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800.

Respectfully submitted,

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